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Study

Protecting Journalists and Their Sources: An Approach to Media Freedom Violations in Lebanon

Dr. Wafaa Abou Chakra



This publication is within the project entitled "Media Reform to Enhance Freedom of Expression in Lebanon", implemented by Maharat Foundation, Legal Agenda and the European Media and Journalism Research Center (MJRC) with the support of the Delegation of the European Union to Lebanon. The project aims at enhancing Freedom of Expression in Lebanon through the promotion of media law reform as a priority on the national agenda and improvement of the environment for media coverage on the transparency and accountability of elections process.

The project supports the publication of background papers produced by Maharat Foundation on the local Lebanese context and by MJRC on the European standards and best fit recommendations for Lebanon. The papers cover 6 main themes: Protection of journalists and their sources, Associations of journalists, Decriminalization, Incentives, Innovation, and Regulation, co-regulation and self-regulation opportunities for the media.



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This study was prepared within the project to reform media and promote freedom of expression in Lebanon:

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Media and Journalism Research Center (MJRC) MJRC:

[MJRC](#) is an independent media research and policy think tank that seeks to improve the quality of media policymaking and the state of independent media and journalism through research, knowledge sharing and financial support. The center's main areas of research are regulation and policy, media ownership and funding, and the links between tech companies, politics and journalism.

Maharat Foundation:

[Maharat Foundation](#) is a women-led freedom of expression organization based in Beirut dedicated to campaigns grounded in research and strengthening connections between journalists, academics, and policy makers.

It advances and enables freedom of expression, quality information debate and advocates for information integrity online and offline. Maharat promotes innovation and engages the journalistic community and change agents within Lebanon and the wider, MENA region to promote inclusive narratives and debates and to counter misinformation, disinformation, and harmful content.

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EXECUTIVE SUMMARY

In recent decades, and notably in the past six years, Lebanon has grappled with a succession of events that have significantly impacted the prevailing climate surrounding freedom of expression and media. These events have materialized as infringements across multiple fronts, ranging from incitement campaigns on social media platforms to personal threats of violence, direct physical assaults, legal prosecutions, and judicial rulings. These infringements primarily targeted individuals perceived by the ruling political establishment as dissenters or challengers to its authority. Media practitioners, especially those affiliated with television networks, found themselves at the forefront of these violations, particularly during their on-the-ground reporting of public demonstrations advocating for accountability in cases of corruption, misappropriation of public funds, and abuses of power. Of graver concern, however, is the widespread criminalization of journalists through hundreds of prosecutions and summonses, accompanied by instances of unlawful conduct during the interrogation of those detained. In interviews conducted with journalists subjected to investigations at security facilities, it has been reported that the interrogation methods employed, encompassing both psychological and physical tactics, were designed with the intent to degrade and penalize them. These measures aimed to dissuade journalists from disseminating content perceived as derogatory or offensive to individuals deemed influential by the interrogators. The judiciary, in an apparent effort to shield these individuals and suppress criticism, resorted to defamation charges outlined in the Lebanese Penal Code, resulting in numerous summonses issued and several journalists handed prison sentences. Meanwhile, the political and sectarian authorities acted as formidable obstacles to any semblance of accountability or prosecution of those responsible for targeting members of the press and media. This brazen disregard for the rights of journalists is largely facilitated by their glaring lack of protection across all fronts, including institutional, legal, and union support.

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This paper aims to investigate the extent to which the protection of journalists and their sources in Lebanon remains a pressing concern amidst ongoing deliberations surrounding the enactment of a new media law in the Lebanese parliament. Central to our inquiry is the examination of whether safeguarding journalists against various forms of peril, ensuring their unrestricted access to information, upholding their right to maintain source confidentiality, and addressing impunity for those who target them are indispensable prerequisites that must be unequivocally articulated within any forthcoming media legislation in Lebanon. Additionally, we posit that any endeavor to impede the incorporation of these provisions would be construed as a deliberate act by relevant stakeholders, serving only to condone assaults on journalists and perpetuate a culture of impunity by affording "cover and immunity" to perpetrators thereof.

Within this context, it is essential to highlight the significant observations put forth by international institutions and non-governmental organizations concerning the latest iteration of the proposed media legislation. Foremost among these critiques is the assertion that the draft law undermines the fundamental tenets of freedom of expression for journalists by eliminating the principle of unrestricted publication without prior censorship. Moreover, the draft assigns oversight of license allocation and media censorship to a non-independent body appointed by the parliament, thus raising concerns regarding undue influence and potential politicization. Additionally, the proposed legislation introduces an extensive array of penalties for journalists, including doubled fines and, in certain instances, calls for the increase of prison sentences.

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Furthermore, the proposed legislation refrains from abolishing prison sentences for alleged defamation, slander, and insult; instead, it relegates these offenses to the penal code. Additionally, the draft maintains language that is both broad and vague, potentially allowing for varied interpretations by influential entities. Examples include provisions pertaining to actions such as insulting religions, jeopardizing the integrity or sovereignty of the state, and defaming ambassadors and heads of diplomatic missions. Moreover, the legislation grants the public prosecutor unilateral authority to initiate legal proceedings against journalists at any juncture and without the necessity of a formal complaint from the aggrieved party.

INTRODUCTION

Throughout the early years of this century, journalists operating within conflict and war zones have become coveted targets of nefarious actors. They face the imminent threats of sniper fire, arbitrary detention, abduction for ransom, or even public executions, serving as grim messages to all stakeholders embroiled in such conflicts and wars. The discourse surrounding the safety and protection of journalists frequently features discussions, diverse invitations, and media coverage that meticulously document attacks on journalists as they report from the frontlines, capturing the unfolding events and transmitting news and images from volatile areas. Often referred to as the "fedayeen (self-sacrificial) of the profession," these journalists are emblematic figures who personify the risks inherent in their pursuit of truth amid perilous circumstances, prompting public deliberation on the imperative of safeguarding their well-being.

International human rights organizations frequently publish reports and statistical compilations detailing the plight of journalists victimized by conflicts across various regions worldwide. These publications underscore concerted endeavors aimed at establishing legal frameworks designed to shield journalists and media entities from the dangers inherent in military operations. Simultaneously, they endeavor to underscore the illegitimacy of the myriad perpetrations and abuses inflicted upon journalists during their dangerous coverage.¹ Through these efforts, a dual objective emerges: to provide legal immunity for journalists operating in conflict zones and to unequivocally denounce the unlawful acts perpetrated against them, thereby advocating for their safety and rights amidst perilous environments.

1- The protection of journalists in times of war is primarily governed by the provisions of "international humanitarian law," the "Brussels Declaration," the "Geneva Protocols," and the "Hague Conventions."

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Nevertheless, it appears that the endeavors directed towards safeguarding journalists during wartime are not mirrored by comparable initiatives aimed at protecting them during times of peace. International organizations, renowned for issuing a plethora of regulations spanning over six decades under the auspices of "protecting journalists and empowering them to assert their rights" in conflict zones, often view the protection of media professionals in peacetime as an internal affair beyond their purview. Instead, they contend that such matters fall within the jurisdiction of the regulatory frameworks of the respective countries concerned. This disparity underscores a critical gap in the global discourse on journalist safety, highlighting the need for greater attention and concerted action to address the vulnerabilities faced by journalists in all contexts, whether amidst conflict or in times of relative tranquility. It should be noted that most studies, reports, and indicators monitoring press freedom in the world, confirm with conclusive evidence that many political regimes (in "developing countries" in particular) carry out unfair practices that violate the rules of law against journalists and media outlets. Even more alarming is the complicity of certain regimes in perpetrating attacks against journalists operating within their territories, a grim reality particularly prevalent among numerous Arab regimes.

The Lebanese regime stands as a poignant example of such entities, which systematically undermine freedom of expression and media albeit often under the guise of subtlety. These regimes, rather than safeguarding the rights and safety of journalists, actively engage as accomplices in the very crimes committed against them. This insidious collusion not only stifles press freedom but also erodes the democratic principles essential for fostering an environment conducive to free and independent journalism. Despite Lebanon's public image as a nation championing freedom and uninhibited expression, this narrative belies the clandestine practices that subtly undermine the press corps, particularly when journalists venture into uncharted territories and unveil secrets to public scrutiny. Behind the veneer of apparent freedom and openness in media expression, a pervasive undercurrent of resistance emerges, covertly obstructing journalists who dare to traverse into untrodden realms and shed light on concealed truths.

2- These laws are: "The Universal Declaration of Human Rights," "The International Covenant on Civil and Political Rights," "The UNESCO Declaration," "The Johannesburg Declaration," "The United Nations Special Report on Freedom of Opinion and Expression," "The European Court of Human Rights," and "The Arab Charter." for human rights."

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This dichotomy underscores the precarious balancing act between the outward portrayal of liberty and the covert suppression of journalistic inquiry, revealing the complexities inherent within Lebanon's media landscape.

As research material for this paper, we have observed everything published about the protection of journalists, in general, and the protection of Lebanese journalists, in particular, from 2005 until today. That year was a milestone in the history of the country and established an unprecedented political reality which strongly reflected on public freedoms, the media sector, and the work environment for journalists. We were able to obtain 45 published materials distributed that include:

- Studies, policy briefs, standards, reports, analytical articles, and journalistic work, most of which were prepared by local non-governmental institutions supported by international institutions and organizations concerned with human rights, freedom of expression, opinion, media, and access to information ("Maharat," "Skeyes," "The Legal Agenda," "SMEX," "Ghorbal," "Daraj," and "Alternative Press Syndicate Gathering").
- The most prominent national plans and those prepared by international institutions and organizations in which policies and strategies are proposed for the protection of journalists (especially in times of war) and freedom of opinion, expression and media (UNESCO, Amnesty International, Human Rights Watch, Reporters for Human Rights, International Federation of Journalists, United Nations Democracy Fund, Committee to Protect Journalists, and Committee to Support Journalists).
- A set of laws governing publications and publishing in Lebanon and all the amendments made to them (starting from the Ottoman law in 1909 to the present day).
- The most prominent Arab and international laws (on the rights and duties of journalists) and the Lebanese, Arab, and international media codes of honor (on professional ethics and the protection of journalistic sources)

INTRODUCTION

Our methodology is based on addressing five indicators around which the research revolves:

- The challenges posed by the Lebanese media environment to the work of journalists.
- Violations and abuses against Lebanese media workers.
- The impunity of the aggressors against Lebanese journalists.
- The concept of ensuring protection for journalists and their sources in peacetime.
- The obligations to legalize this protection.

As for the research tools, we interviewed seven journalists (working for newspapers, radio, television, and websites), four judges (criminal solo - judges club - publications court - military court), and four legal experts (lawyers and human rights activists).

FIRST: THE WORK ENVIRONMENT OF LEBANESE JOURNALISTS AND ITS CHALLENGES

The examination of media institutions in Lebanon and their role amidst the country's tumultuous history represents a delicate subject that has long been the focal point of extensive debates, yet often lacking in substantive research and scholarly inquiry. Previous reports and research endeavors exploring freedom of expression and press freedom in Lebanon predominantly relied on quantitative analyses of media violations, particularly during the protest movements culminating in the October 17th, 2019 uprising. Consequently, the approach to understanding the reality faced by journalists and the encroachments upon their freedom has remained superficial, overlooking the intricate conceptual framework of this freedom and the nuanced dynamics of the Lebanese media landscape, including its specificities and its intricate web of local, regional, and global interdependencies. Moreover, little attention has been directed towards comprehending the interactions between Lebanon's media system and the surrounding political, social, economic, and cultural structures. As a result, many influential aspects of Lebanese journalists' work remain obscured, along with the socio-cultural milieu that shapes their behavior and influences the content they produce. Furthermore, the motives, modalities, and contexts of the violations perpetrated against them have largely gone unexplored. This deficiency in scholarly inquiry represents a significant gap in our understanding of the challenges faced by journalists in Lebanon and underscores the necessity for comprehensive research efforts to illuminate these complexities. Media institutions, wherever they exist, cannot remain independent of the surrounding environment, but rather take the form of the social and political structure within which they operate, and their reality, work, production, and role are organically linked to the reality, work, production, and role of all other institutions and systems of society (political, social, economic, etc.). Thus, the concept of the "media environment" has emerged, reflecting a notably fraught landscape in Lebanon characterized by high levels of stress and turbulence. The reality of journalism and media professions is fraught with challenges and violations, resulting in a diminished status for professional journalists and their diminished immunity against pressures that impede their ability to perform effectively. Notably, Lebanese television channels, alongside the majority of radio stations, newspapers, and online news platforms, epitomize a concerning trend of overt collusion between media proprietors and political entities in power.

FIRST: THE WORK ENVIRONMENT OF LEBANESE JOURNALISTS AND ITS CHALLENGES

These outlets have become conduits for legitimizing international interventions in Lebanon's media sphere, disseminating misleading narratives, and fostering divisions within public opinion by exploiting sectarian tensions. Moreover, they consistently defend Lebanon's existing financial and political systems while marginalizing voices advocating for the interests of the populace and contributing to the formation of a public opinion capable of holding authorities accountable.

It is widely acknowledged within Lebanon that the reality facing the country's media institutions is profoundly challenging. These institutions are embroiled in a continuous cold war, marked by escalations, eruptions, and occasional lulls, dictated by the agendas of those in positions of power. Within this dynamic, the roles, interests, political considerations, and personal inclinations of media owners intersect, often serving as yardsticks to evaluate the "professionalism" of Lebanese journalists. Concurrently, journalists find themselves navigating the tumultuous waters of the media market, characterized by lawlessness exacerbated by the proliferation of active websites operating without regulatory oversight or established standards. Compounding this challenge is the observation that major press entities are increasingly compelled to keep pace with this unregulated landscape, further exacerbating the chaotic nature of the media environment. Lebanese journalists contend with a multitude of pressures, both internal and external, as they navigate their profession. Within their respective institutions, they face a variety of conditions, some of which are coercive in nature, creating an environment where job security becomes precarious. Consequently, many journalists find themselves compelled, in various ways, to align with the "agenda" dictated by the leadership of their employing institutions, often without the freedom to voice objections. This dynamic underscores the challenges journalists encounter in maintaining editorial independence and upholding journalistic integrity amidst the complex socio-political landscape of Lebanon. If the journalist produces "content that is not in line with the editorial policy of their institution or the desire of the editorial management (their direct supervisor or the party that finances the institution or. etc.)," the restriction begins in various forms.

FIRST: THE WORK ENVIRONMENT OF LEBANESE JOURNALISTS AND ITS CHALLENGES

According to Charbel Maroun, the editor-in-chief of Voice of Lebanon Radio, Lebanese journalists, both professionals and freelancers, frequently encounter a distinct form of repression akin to coerced recruitment. This coercion manifests in various ways, such as being assigned tasks arbitrarily or facing obstacles in publishing or broadcasting their produced material. These actions often culminate in the imposition of numerous charges and accusations, ultimately resulting in journalists being held accountable for alleged professional errors, which, in reality, may not truly constitute mistakes. Consequently, journalists are frequently subjected to expulsion or coerced resignation from their positions. This forced adaptation to institutional or environmental pressures gives rise to what is colloquially referred to as "coercions" within the profession, imposing significant burdens on journalists and presenting them with multifaceted challenges. Moreover, these coercive dynamics can expose journalists to tangible dangers, underscoring the critical need for care and protection within the journalistic community. What are these coercions?

Through twenty-two years of work in radio and television (inside and outside Lebanon), seventeen years of education in the field of "media and communication sciences" (which continues to this moment), in addition to interviewing thirty-one journalists (for this study and a previous study in 2018), we were able to identify six main constraints faced by Lebanese journalists:

FIRST: THE WORK ENVIRONMENT OF LEBANESE JOURNALISTS AND ITS CHALLENGES

1. Absolute subordination to the institution in which they work (which makes most journalists nothing more than mouthpieces, especially when they appear to be practicing through this subordination to the institution is more a political act than journalism)
2. Self-censorship (the most dangerous type of censorship because censorship resides in the minds of journalists and causes their ideas to be distracted and every initiative for creative journalistic work is killed)
3. Financial pressures (low wages push journalists to look for additional jobs and illegal sources of money)
4. Job insecurity (a Lebanese journalist is liable to be fired from his job at any moment and without prior notice)
5. Lack of health and social security (many journalists work without employment contracts granted by guarantors)
6. The lack of development horizons (the journalist enters and leaves the media organization as they entered, that is, without receiving any training courses that could develop their knowledge or help them acquire new skills)

We may not find a single Lebanese journalist, no matter to which media outlet they belong, whose news stories, reports, and articles are independent of the impact of these constraints mentioned, but the opinions of journalists differ in their differential order (a slight difference), although most of them include the poor economic, financial and social conditions at the top of the list of challenges they suffer from, followed by the decline in the level of professionalism and ethics at work (accepting various bribes, searching for illegal financial sources, entering into the game of direct subordination to the security or judicial services, the journalist "selling" themselves for this or that politician,. etc).

FIRST: THE WORK ENVIRONMENT OF LEBANESE JOURNALISTS AND ITS CHALLENGES

These constraints frequently compel Lebanese journalists to navigate precarious situations, risking both their physical and psychological well-being. Tony Issa, a political columnist at Al-Joumhouria newspaper, underscores the pervasive nature of the threats facing Lebanese journalists, citing moral and material pressures as foremost among them. However, Issa notes that these dangers do not affect the entire journalistic community uniformly. Indeed, there exist journalists who align seamlessly with the forces of pressure and influence that perpetrate repression and violations within the media landscape. These individuals, far from fearing for their own safety, are viewed as instruments wielded by such forces, reaping various benefits in the process. As a result, certain segments of the journalism profession bear responsibility for the precarious fate it faces, contributing to its erosion rather than its preservation.

From what is mentioned above, we conclude that a specific category of Lebanese journalists working in local institutions are the ones who are subjected to a huge amount of pressure, sometimes amounting to direct assault on them, which does not happen, to the same extent, with those who work with media institutions abroad (Arab and non-Arab).

SECOND: VIOLATIONS AND ATTACKS ON JOURNALISTS

Amidst the chaos of a mass demonstration against banking policies in January 2020, a poignant scene unfolded outside the Helou barracks in Beirut. A MTV cameraman found himself subjected to the blows of a member of the security forces, desperately pleading, "I'm a journalist, I'm a journalist. I swear by my mother I'm a journalist." In his moment of distress, he believed that asserting his "identity" would halt the assault. However, it was unnecessary to declare his profession, as most journalists and photographers working on the ground are readily identifiable by the distinctive helmets and jackets they don for protection. This harrowing incident underscores the vulnerability faced by journalists as they carry out their duties amidst volatile environments, often becoming targets of aggression despite their efforts to document unfolding events. But perhaps that aggressor policeman is excused, because he lives in a country where people do not distinguish between "freedom of expression" and "freedom of the media and the press," and where the "journalist" is equal to anyone who tries to look, analyze, predict, gossip, insult, and do whatever they want on social media. For those who do not know, this confusion greatly appeals to the people in power in Lebanon, the followers of the political parties in power, judges, the security services, and the Editors' Syndicate, as well. All of them treat Twitter, Facebook, and other digital platforms as if they were media outlets, and they treat activists (on those platforms) as if they were professional journalists. Media safety is one of the greatest challenges faced by journalists, in general; these journalists who are most vulnerable to harm – namely, reporters in the field and investigative journalists, not those who sit behind their desks in media organizations or who simply comment and read what is written in front of them.

In this context, several reporters assert, in interviews with media outlets, that the profession of journalism has become disrespected in Lebanon, and that the treatment of journalists by the authorities and its "militias" has had indications of a clear decision to suppress journalists during their coverage. Assaulting them on the ground (during popular protests) suggested that it was happening in a deliberate way, so that a distinction was made between journalists who convey an image that mimics the objectives of the authority, and journalists who convey a critical image of the authority. How are journalists and their rights violated in Lebanon?

SECOND: VIOLATIONS AND ATTACKS ON JOURNALISTS

Before delving into the methods of violating the freedom of Lebanese journalists, it is imperative to underscore the foundational importance of press freedom. Freedom of the press serves as the cornerstone of freedom of expression, which, in turn, is a prerequisite for safeguarding numerous other fundamental rights. For journalists, freedom of expression is a fundamental and indispensable right that underpins their ability to offer robustly critical perspectives on political and decision-making processes. As such, the concept of "freedom of the press" (or freedom of the media) entails the effective capacity of journalists, both individually and collectively, to select, produce, and disseminate information in the public interest, free from any form of political, economic, legal, or social interference. Crucially, this freedom encompasses the unfettered exercise of journalistic autonomy without the specter of threats to their physical or psychological well-being. This concept of "press freedom" does not correspond to the reality of the media scene in Lebanon, which reflects the political composition of the country and its divisions and differences; and translates into a sharp politicization of the work of the media and the performance of journalists, who face increasing restrictions on their freedom to perform their jobs normally. It is paramount to highlight that the most pressing risk confronting the media sector today is the concerted effort by ruling power factions and political groups to co-opt media outlets as conduits for advancing their agendas and objectives. This nefarious practice places journalists at the forefront of classifications, threats, and risks, as they navigate the precarious terrain of serving as potential mouthpieces for vested interests rather than as impartial conveyors of information.

The methods of violations and abuses against "opposition journalists" in Lebanon vary, and the numbers during the past six years recorded an upward increase compared to previous years, prompting 14 Lebanese and international non-governmental institutions, committees for the defense of freedoms, human rights organizations, and international bodies to launch a coalition to protect journalists and confront their repression and harassment amid the absence of any serious investigation with the perpetrators and holding them accountable.

SECOND: VIOLATIONS AND ATTACKS ON JOURNALISTS

Abuses often begin with social media incitement campaigns against journalists (especially women journalists), opinion makers, and intellectuals opposed to the ruling political class (usually carried out by cyber flies of some parties in power). Then there is the stage of security and judicial summons of journalists and interrogation before non-competent courts, such as the military court (summons are made by Military Intelligence, General Security, the Information Division of the Internal Security Forces, the Anti-Cybercrime Bureau, or the Public Prosecutions). The "journey of violations" culminates in the repression of journalists with direct physical violence, such as beatings, dragging, firing rubber bullets and tear gas at them, and breaking their work equipment, especially the cameras and SNGs of some television teams.³

In the run-up to the October 17, 2019 uprising, most of the violations against journalists were prosecutions for defamation, which the authorities used as the only means of threatening journalists. Today, violations have become direct violence; SKeyes has documented more than 800 violations during the term of President Michel Aoun (2016-2022), and in 2022 and the first four months of 2023, the center monitored 116 violations against the press body that can be included in six types and methods, which we list as follows:

- Summoning journalists for interrogation before security services
- Harassment campaigns by politicians through written warnings to journalists and judicial allegations against them
- Armed attacks on journalists, institutions and media outlets
- Direct strikes (in public and away from eyes) and death threats via nominal messages sent to journalists on their private phones
- Preventing journalists from performing and carrying out their journalistic duties
- Arbitrarily dismissing journalists from work

³- A journalist in the field cannot defend themselves by repelling the attacks from the security forces because they would then expose themselves to a lawsuit before the military court on charges of harsh treatment of the security forces.

SECOND: VIOLATIONS AND ATTACKS ON JOURNALISTS

There are other types of violations on which statistics are difficult to obtain, foremost of which are the restrictions on the work of journalists in public places, in addition to four forms of censorship: prior censorship, self-censorship, censorship imposed by the media institutions on their journalists, internet censorship and poor information security, which threatens journalists and affects their ability to access information. Reporters Without Borders' latest report⁴ added a fifth censorship of Lebanese media, which is religious censorship, which the report described as "an important weapon in Lebanon's political struggle." Incidents of aggression against journalists extend beyond occurrences during or on the fringes of demonstrations; they also encompass efforts to obstruct journalists from covering and reporting in areas associated with specific parties. These hindrances are often openly endorsed, even by officials within the system, underscoring a concerted intention to silence dissenting voices and critics within the media landscape. Rana Saghie, a lawyer and researcher at The Legal Agenda, explains, "Some parties and political figures seek reprisals against journalists by threatening to file lawsuits against them or to prosecute them, knowing that flooding journalists with lawsuits would limit their ability to publish the information they have and increase the self-censorship they impose on themselves, especially if these lawsuits are arbitrary (i.e., the news is true or within permissible criticism)."

The method of attacks "evolved" into orchestrated and organized ambushes, such as the surveillance of journalist Mohamed Zbib in the Hamra area by the escorts of former minister Marwan Kheir al-Din, attacking him while he was alone at night and beating him. "The political and economic system in Lebanon has always been based on an imaginary ideology on the subject of freedom of the press and journalistic work, but at the same time, it constrains this freedom with a very wide set of restrictions that make the concept of freedom a special concept. In other words, press freedom is not a public right in Lebanon, but rather a private right, because it is available to specific groups and individuals. If, for example, a journalist works in a media organization that serves the power structures and the ruling political and economic system, they have absolute freedom to say whatever they want, while censorship and restrictions are reserved for journalists who do not support or identify with authoritarian structures."

4- Reporters Without Borders issued its annual report for the year 2022 (which deals with freedom of the press around the world), and Lebanon ranked 130th out of 180 countries, down 23 points at once from the year 2021.

SECOND: VIOLATIONS AND ATTACKS ON JOURNALISTS

There are many violations related to the prosecution of journalists, which were often the only methods used to suppress them before the uprising. These prosecutions continue today, but in a discretionary manner that can be easily noticed if we observe how the security and judicial agencies act very quickly when it comes to a complaint against a journalist. Conversely, there is a palpable sluggishness in the judicial process when journalists file complaints due to threats or assaults. Of greater concern is the recurring pattern observed during interrogations in numerous speech-related cases involving journalists, activists, and other expressive individuals. In several instances, both the Public Prosecution and security services have been reported to employ unlawful tactics during these interrogations. Interviews with interrogators have revealed that the psychological and physical methods utilized are intended to degrade, punish, and dissuade individuals from publishing content deemed critical or insulting to individuals perceived as influential by the interrogators. We can distinguish three basic categories of forms of prosecution against Lebanese journalists:

- **Security prosecutions**, that is, when a security apparatus summons a journalist for interrogation without a judicial reference, and the summons often takes place over the phone and without providing any information explaining the reasons for it.
- **Allegations from public prosecutions**, that is, when public prosecutions sometimes resort to acting on their own against journalists, and this often happens in cases of criticism of officials.
- **Judicial complaints** prosecuting journalists with a personal claim (from influential figures) on charges of libel and slander. The journalist is often summoned to appear before the security services for interrogation with a reference from the judiciary or referred to the Publications Court.

SECOND: VIOLATIONS AND ATTACKS ON JOURNALISTS

Arguably, the most egregious infringement upon media freedom in Lebanon manifests in the arbitrary and obstructive criminal prosecutions targeting journalists, effectively impeding their ability to fulfill their professional duties and exercise their rights. Loyal Behnam, program manager at Maharat, highlights the idea that journalists affiliated with websites and freelance journalists are particularly vulnerable to such legal actions. These prosecutions not only undermine the autonomy and integrity of journalists but also serve as a chilling deterrent to the free flow of information and robust journalistic inquiry within Lebanese society. Summoning journalists for interrogation in security centers (by multiple agencies) hinders, in her view, "the free work of journalists in criticizing public persons and hinders them in performing their role in holding these people accountable, at a time when we desperately need to strengthen pressure and accountability mechanisms."

In Lebanon, many officials bolster their positions by cloaking themselves in the mantle of "status," whether it be religious, political, or sectarian. This perceived status often elevates them above the reach of the law, shielding them from accountability. Criticism directed towards these figures, particularly concerning their public responsibilities, is swiftly deemed as transgressing red lines and fomenting discord. This dynamic not only stifles dissent but also perpetuates a culture of impunity, wherein those in positions of power remain insulated from scrutiny and reproach. Therefore, strengthening the mechanisms of accountability and punishment is forbidden in our country, as one member of the Lebanese Judges Association concludes,⁵ expressing his belief that "the journalistic status does not intercede for a journalist in Lebanon to be able to express freely, because the prohibition of expression applies to them as it applies to all Lebanese, whether one is a journalist or a non-journalist. If any Lebanese citizen confronts anyone who belongs to the ruling class, they cannot claim their right, not in any way, because there is a "passenger system" that applies to everyone and summarizes it with the following equation: the ruling class and its followers in one place, and all the Lebanese people in another."

5- The four judges we interviewed refused to have their names mentioned, in consideration of the circular issued by the caretaker Minister of Justice, Henry Al-Khoury, on May 4, 2023, which stipulated that "it is necessary to refrain from media appearances, in all its forms, and not to take any public position on any media platform, or electronic or other platforms, without obtaining prior permission from the competent authority."

SECOND: VIOLATIONS AND ATTACKS ON JOURNALISTS

In Lebanon, where a political elite demonstrates a profound disregard for the welfare of its populace, merely tallying the number of violations against journalists (and others) has become increasingly futile, despite its inherent significance. Despite the hundreds of recorded violations in recent years, the conduct of the ruling authority remains largely unchanged. If anything, its actions have only intensified in their brutality and denial of reality. Moreover, the majority of security services and judiciary members persist in adhering to the directives of political factions, thereby perpetuating a climate of suppression aimed at quelling dissent, criticism, and opposition.

THIRD: IMPUNITY FOR THE AGGRESSORS OF JOURNALISTS

Perhaps the greatest threat to press freedom in the world is the alarming rise in the rate of impunity for those who attack journalists while performing their professional duties. Between 2006 and 2020, the global rate of impunity reached a shocking high rate, with 9 out of 10 cases going unpunished. Accordingly, the UN General Assembly declared November 2nd the "International Day to End Impunity" for crimes against media workers (IDEI).⁶ The statement urged member states to "do their utmost to create a safe and enabling environment for journalists to carry out their work independently and without unnecessary interference, implement specific measures to counter the current culture of impunity, ensure accountability, bring perpetrators to justice, and ensure that victims receive appropriate remedies." Despite persistent endeavors to safeguard journalists and hold perpetrators of abuses accountable, journalists in numerous countries still confront alarming rates of arbitrary detention, imprisonment, physical assault, intimidation, and harassment—particularly when covering popular protests. Compounding this issue is the disheartening reality that the vast majority of those responsible for these acts of terrorism against journalists continue to evade justice, freely operating in plain sight without facing consequences for their actions. This state of impunity not only perpetuates a climate of fear and intimidation but also undermines the fundamental principles of press freedom and the rule of law.

The recurring cycle of violence perpetrated against journalists often serves as a stark indicator of the fragility of the rule of law and the judicial system within the countries where such incidents occur. Moreover, the tacit acquiescence of the ruling authority in the face of attacks by state officials on journalists, coupled with the failure to take decisive action to curb these assaults, is interpreted as a form of protection for the aggressors.

6- At its sixty-eighth session, the United Nations General Assembly declared this International Day, and this date was chosen on the anniversary of the assassination of French journalists Claude Verlon and Ghislaine Dupont in Mali on 11/2/2013.

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This inaction is viewed as indicative of collusion with perpetrators, an endorsement of the security-centric approach, and a clear political stance aimed at stifling dissenting voices and suppressing press freedom. Such a scenario not only undermines the principles of justice and accountability but also fosters an environment where impunity thrives, perpetuating a chilling effect on journalistic inquiry and the free exchange of ideas. According to Ayman Muhanna, executive director of the Samir Kassir Foundation in Beirut, their surveys and observations indicated that "the most serious violations against Lebanese journalists are impunity and the absence of a mechanism to hold the aggressors accountable. This opens the door to the assassination and physical assault of journalists, incitement and threats on social media (which affect their safety on the ground), as well as the assault with bullets and bombs on media institutions." In Lebanon, the levels of impunity afforded to influential figures and their cohorts have reached alarming proportions, seemingly bestowed upon them as an exclusive "gift" to shield their crimes and perpetuate their grip on power. As a military court judge succinctly puts it, "You see us prosecuting small criminals and ignoring the accountability of their superiors, regardless of the nature of their offenses—be it drugs, arms trafficking, terrorism, or collusion with hostile entities." This pervasive culture of impunity extends beyond crimes against journalists; rather, it reflects a deep-seated tribal logic ingrained in Lebanese society. This ethos finds reinforcement in the country's recurrent amnesty laws, totaling nearly 63 enactments since the establishment of the Lebanese Republic. These laws serve to entrench a system where accountability is selectively applied, enabling powerful figures to evade consequences for their actions while perpetuating a cycle of impunity that undermines the principles of justice and equality before the law.

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However, it is notable that these amnesty laws do not extend to critics of the political class and the ruling system, including journalists, opinion-makers, and opponents of the parties in power. Instead, they often serve to embolden state security apparatuses and militias affiliated with certain ruling factions, enabling them to intimidate and assault journalists with impunity. This glaring double standard exacerbates the vulnerability of journalists and undermines the principles of press freedom and the rule of law. For those who do not know, every security apparatus in Lebanon is informally subject to the influence of a particular sectarian and partisan authority and is used by its "guardians" to protect aggressors and intimidate those they see fit to oppose (it has become common in Lebanon to hear senior officials shamelessly declare their intentions to silence their critics). Journalists (and others detained pending investigation) complain that security forces have repeatedly refused requests to provide information on their investigations and actions against those involved in attacks on journalists. A wealth of media evidence, including numerous videos, photographs, and audio recordings, serves to document and substantiate the actions of attackers during popular protests against journalists. However, despite the existence of such compelling evidence, none of it has been duly considered or treated as incriminating evidence to hold the aggressors accountable. On the contrary, those who were subjected to aggression find themselves summoned for interrogation on vague criminal charges, often related to defamation, filed either by the public prosecutor or influential political, financial, and religious figures. This troubling pattern not only underscores a failure to uphold justice but also points to a systemic bias favoring powerful interests over the rights and safety of journalists.

Based on this "disproportionate justice", dozens of dissidents, protesters, and activists have been tried, journalists (such as the military court) have been sentenced to prison terms by non-competent courts, and none of the perpetrators of attacks on journalists from security forces or partisan militias has been held accountable. This suggests that there are only two plausible explanations: either the Lebanese authorities are intentionally shielding attackers of journalists and other dissidents from accountability, or they are incapable of effectively holding them responsible for their actions.

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7- Including, but not limited to: "General Security," "State Security," "Army Intelligence," the "Cybercrime Combating Office," which is a unit affiliated with the "Internal Security Forces," and the "Parliament Police," which played a key role in suppressing the protesters in the uprising of October 17, 2019.

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Despite the competence, capabilities, and skills of the security services, which they have demonstrated in many qualitative and proactive operations, these competence, capabilities, and skills disappeared and were completely paralyzed when the "required task" was to investigate those who threatened or attacked journalists. It goes without saying that impunity results from failures by states to uphold the rule of law and from a general disregard for human rights, said Zeid Ra'ad Al Hussein, UN High Commissioner for Human Rights. "When states fail to protect journalists, investigate attacks against them and prosecute the perpetrators, it is usually the result of a choice," he said.⁸

In essence, states that fail to safeguard their journalists while shielding their attackers inadvertently embolden perpetrators and foster a culture that normalizes abusive practices. This tacit endorsement serves to incentivize further and potentially more severe attacks and even killings. The prevalence of attacks on journalists, coupled with the prevailing impunity, carries grave repercussions for freedom of expression and human rights at large. In response to this pressing issue, the United Nations formulated an action plan in 2012, aimed at addressing impunity and ensuring the safety and protection of journalists from attacks and crimes perpetrated against them. This comprehensive approach underscores the imperative of concerted, multi-stakeholder efforts to combat impunity and safeguard the essential role of journalists in upholding democratic principles and promoting accountability. In paragraph 1.4, the plan considers the safety of journalists and the fight against impunity for their killers as key factors in protecting the fundamental right to freedom of expression, an individual right for which no one in the world may be killed (a right guaranteed by Article 19 of the Universal Declaration of Human Rights).⁹ This plan was the first concerted effort between UN bodies, national authorities, the media and civil society organizations, and made the protection of journalists part of the 2030 Agenda for Sustainable Development, by working to build international coalitions and bring about changes on the ground (such as establishing national safety mechanisms in at least 50 countries).

8- The international official made his comments at the beginning of a joint meeting held in Strasbourg on November 7, 2014, between representatives of states, civil society, media professionals, and representatives of United Nations agencies and some other international organizations, with the aim of reviewing the United Nations action plan on the safety of journalists, the issue of impunity, and creating a free and safe work environment for journalists and media professionals at all times (peace and war).

9- Freedom of expression is included in the "first generation" of human rights (civil and political rights) along with the rights to life and freedom of worship. As for the second and third generations of human rights, they are "economic, social and cultural rights" and "collective rights or so-called solidarity rights" (see: Media Guide, Finnish Foundation for Continuing Education, 2020).

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It is pertinent to underscore that the imperative to address the culture of impunity arises from its significant contribution to the deterioration of the human rights landscape and the proliferation of systematic and widespread violations that may constitute crimes against humanity. Moreover, the absence of accountability fosters a sense of impunity among aggressors, perpetuating cycles of injustice and further eroding trust in the justice system. Lebanese journalists stress that the ruling authority's persistent shielding of perpetrators involved in major political crimes, corruption cases, and gross violations of their rights instills a profound sense of fear and frustration within society. This pervasive atmosphere of impunity not only undermines the rule of law but also undermines public confidence in the ability of institutions to uphold justice and safeguard fundamental rights. When the Lebanese authorities attack the press, they are deliberately directly suppressing the journalist to obscure some of the things that are happening on the ground. More seriously, however, the Lebanese authorities have transformed the "crime of repression" in Lebanon from an anomaly to a regular matter. But what does protecting journalists mean? What and who should be protected? How can this protection be achieved in Lebanon?

FOURTH: THE PROTECTION OF JOURNALISTS AND THEIR SOURCES OF INFORMATION

“The protection of journalists” means ensuring the personal safety and integrated protection of all workers in the press and media from attacks and any deliberate attack, forced detentions, kidnappings, torture and all other types of violence, and depriving journalists of this protection is a flagrant violation of human rights. From the point of view of international humanitarian law, the protection of journalists and media workers, always, is of the highest priority as it affects the safe and independent performance of media professionals' journalistic duties, without pressure, fear, restrictions, or obstacles. and more. Freedom of expression for journalists is closely related to the right of people to receive media productions and to freely exchange information and opinions on matters relating to public affairs (item 11 of General Comment No. 34). Information is inherently a public good, accessible to all individuals, facilitating the exercise of fundamental rights and fostering gender equality. Access to information enables citizens to participate in democratic governance, build confidence in institutions, and contribute to sustainable development. Moreover, information plays a vital role in addressing global emergencies, such as climate and health crises, as highlighted in the Windhoek+30 Declaration. In this context, international humanitarian law places a significant responsibility on countries, including signatories to international laws and conventions like Lebanon, to ensure the protection of journalists and hold perpetrators accountable for any attacks against them. By upholding these principles, countries can safeguard press freedom, promote transparency, and advance human rights worldwide. It obliges those states to cooperate internationally to ensure the protection of journalists and to strengthen their role in disseminating free and genuinely grounded information for the promotion of democracy and human rights in societies.

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Despite boasting a relatively broad scope of freedom of expression compared to other Arab countries, Lebanon remains a nation where the exercise of media freedom often exposes journalists, dissidents, and political activists to various forms of intimidation, defamation, and at times, even violence resulting in murder. While Lebanese jurists praise the text of the famous "Article 13" in the Constitution, which states "freedom to express opinions in speech and writing, freedom of printing, freedom of assembly and freedom of association," they return and complain about the phrase "within the scope of the law," which was added to this article to open the way for many interpretations and jurisprudence on the basis of which the freedoms of expression and the press are violated in our country.¹⁰ In Lebanon, despite the attempt of some (international) legislation to protect journalists from pressure exerted by the owners of media institutions, and from any influence on the editorial independence of the media outlet vis-à-vis its owners, advertisers, and political, economic, and ideological authorities, there is no such protection, of which existence is self-evident in the lexicon of the media profession in Western countries.

The primary "danger" confronting journalists in Lebanon today may stem from the constraints imposed by their respective media organizations. It can be argued that the initial suppressor of Lebanese journalists is often the media outlet for which they work, dictating what is deemed "acceptable" or "unacceptable" within their editorial guidelines. It is worth noting that without the platform provided by these media outlets, there would be no limitations on freedom of opinion and expression in speech, writing, and photography.

10- This article is consistent with the articles published by the majority of Arab constitutions regarding the necessity of respecting freedom of opinion, expression, and the press, and appends them with broad and interpretable phrases such as: "within the limits of the law," "in accordance with the law," or "under the conditions determined by the law."

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Consequently, the fundamental issue facing journalists in Lebanon lies not only in the freedom of expression but also in the broader context of freedom of thought. Therefore, the first protection that the Lebanese journalist lacks is the protection of the institution in which they work and the "blurring" of the communication and editorial policy that controls it. One of the implicit functions of this policy, often undisclosed by media organizations in Lebanon, is to assert control over communicators by delineating their rights and responsibilities while also defining the parameters of their actions. This policy outlines the extent of their autonomy while subjecting them to various forms of oversight, including political, organizational, and punitive measures. Importantly, these controls fluctuate within Lebanon, expanding or contracting based on the whims of media institution owners, thereby shaping the landscape in which journalists operate.

Another critical form of protection sorely lacking for Lebanese journalists is the support typically afforded by journalist syndicates worldwide. These professional guarantees encompass various rights, including access to factual information essential for their reporting. This entails ensuring that journalists are not deprived of any facts, regardless of how unpleasant or challenging they may be. Additionally, these guarantees entail safeguarding journalists against pressure to divulge professional secrets, ensuring the freedom to maintain the confidentiality of their sources. Moreover, they encompass securing the freedom of journalists' movement and preventing their arrest, detention, or interrogation solely on account of their profession. Importantly, these protections also prohibit any form of interference in journalists' writings or publications, thereby upholding the integrity and independence of journalistic practice. None of this is available in Lebanon, where the Editors' Syndicate is only active to discipline journalists and not to represent them, which it expresses through its behavior. The syndicate behaves as one of the regime's forces and systems, and its pillars (and the journalists who support the authorities in power) identify with interests linked to their relationship with the regime itself and the privileges they receive.

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The third crucial protection that Lebanese journalists lack is legal safeguards to ensure their right to access and disseminate information freely. This entails legal provisions that protect the confidentiality of journalists' sources of information, crucial for investigative reporting and maintaining the integrity of their work. This right, which has become the cornerstone of press freedoms in the world, is denied to Lebanese journalists who struggle to obtain information, especially when it comes to public administrations and institutions. There are topics that are "prohibited" to write about in Lebanon, such as prisons, security, and military affairs. This, in itself, is a clear violation of the rights of media professionals to practice their work freely. But perhaps the most horrific thing facing journalists is the decision obliging state employees to refrain from giving them any statement or information, except with the written consent of the competent minister (and here begins the "hunt" between the authority and journalists). As a result, many journalists do not have access to information in the professional methods used in the world. Some obtain it outside the legal constraint (i.e., based on their own relationships), and others resort to begging devious methods to access sources (this point is a clear violation of the most prominent rights of journalists as defined by the Munich Charter).

In 2017, journalists in Lebanon welcomed the adoption of the Right to Access Information Law with a sense of relief. This legislation was viewed as a significant stride towards bolstering the rule of law, embracing transparency in public affairs management, and aligning with reform initiatives aimed at combating corruption. However, the adoption of this law (on which Maharat has published a study), and "thanks" to sectarian and political immunities that were against it, remained a dead letter and did not entail procedural steps to put it into effect, like many Lebanese laws. The public administrations covered by its provisions still ignore it, in addition to the fact that it is not yet applied within the customs of media professionals to use it in their work mechanisms, especially since there are still many secret spaces in Lebanese laws and institutions that must be violated. While press legislation grants journalists the right to obtain information from various sources, this right is not complete without the necessary protection of these sources.

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Why? Hussein Ayoub, editor-in-chief of 180 Post website, responds that "protecting the source is the key to access information, and it is the duty of the journalist to maintain the confidentiality of their source, and the law must protect this right, and the institution to which they belong must preserve this right, as well, and encourage the journalist to protect their sources. For example, I resigned from a press organization because the editor-in-chief insisted on revealing my sources to him." ¹¹

This protection, which is sometimes called the "principle of confidentiality of sources" (or as they call it in the United States of America, "correspondent privileges"), simply means protecting the right of expression of a specific person who has provided information to a journalist as long as their identity and name remain anonymous in any way, for several reasons. The most important reason for that is the danger caused by the sensitivity or seriousness of the information provided by this source. We stress that there is no justification for a journalist to disclose their source. Authorities, including the courts, cannot also force a journalist to reveal the anonymous identity of the source of their information. For decades, the concept of protecting press sources has evolved into a human rights concept that protects journalists from any prosecution and protects their right not to disclose their source or the name of those who leaked information. The right to protect sources has become part of the rights enshrined in international law under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and the application of this right is an important safeguard for the protection of journalists and a particularly urgent issue, given the large number of journalists who have been killed, physically assaulted, or who received various threats.

¹¹- "Source protection" has been recognized by regional human rights courts, the United Nations, the Council of Europe, the Organization of American States, the Organization for Security and Cooperation in Europe and the African Union as part of the constitutional right related to freedom of expression (see Article 19 - Source Protection, a publication prepared by Article 19 And the International Federation of Journalists, October 2010).

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There is no protection in Lebanon for journalistic sources. Lebanon's laws do not stipulate any clause, even a hint, regarding the protection of the confidentiality of press sources.¹² In this regard, Mohammad Nimr,¹³ editor-in-chief of Greater Lebanon website, assures, "Here in Lebanon, we may have to reveal our source before the judiciary, but in a secretive manner, but I assure you, that I never cover up my source, if this cover-up will cost me my life. What I am doing to protect myself is record the statements of the sources for fear that the latter will deny their statements, and I have used this protection for my sources once so far." Certainly, the challenge of the lack of any safeguards to protect Lebanese journalists and their sources of information concerns investigative journalists the most, who mostly realize that the increase in violence against journalists is a testament, albeit a tragedy, to the importance of the media to modern democracies and the extent to which journalism contributes to processes of accountability, reconstruction, and reconciliation. Investigative journalists, who, according to Swiss journalist and researcher Daniel Cornu, represent the "nobility of the profession," are looking for informants, leakers, and secret sources in a minefield (organized crime, mafias, arms trade, contraband trade, money laundering, drug trafficking, various corruption cases, etc.).

Rather than being commended in Lebanon for their efforts in uncovering corruption files, journalists often encounter numerous obstacles and face a different form of repression when attempting to shed light on these matters. In the corridors of the judiciary, they are met with resistance every time they seek to bring these corruption cases out of obscurity and into public view. On one hand, influential individuals leverage their connections with certain judges to impede journalists from exposing cases of corruption and abuse of power. On the other hand, journalists find themselves embroiled in battles against efforts to coerce them into signing "illegal pledges," further hindering their ability to fulfill their role as watchdogs of society.

12- Out of 22 Arab countries, there are only three countries whose laws explicitly provide for the protection of journalistic sources: Bahrain, Algeria, and Egypt.

13- On March 14, 2022, journalist Mohammad Nimr was summoned by the Central Criminal Investigation Department for investigation at the Palace of Justice, after receiving information about him from former President of the Republic Michel Aoun.

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The security concern is still strongly present in the list of prohibitions and precautions on the Lebanese investigative journalist, as the authority deliberately exploits legal loopholes or circumvents or obstructs laws to undermine or subjugate them. Loyal Bou Moussa, an investigative journalist at Al-Jadeed TV, believes that neglecting the mental health of journalists in Lebanon and the absence of any serious training, before and during coverage, represent for her the most prominent challenges facing journalists. Bou Moussa reveals attempts to "subjugate" her, "They are trying to silence me by offering me very tempting job offers by influential people in power (which I naturally rejected). In Lebanon, we, investigative journalists, desperately need a specific and clear legal framework that protects us, but I never expect our state to take such action, so do you expect this authority to seek protection for those who seek to expose it and expose its violations that it wants to keep in oblivion?!" How could the Lebanese journalist protect themselves in the absence of any protection?

The lack of adequate protection has significantly impacted the behavior and working styles of Lebanese journalists, leading them to adopt measures aimed at securing their own safety and well-being. This often includes subjecting themselves to stringent self-imposed controls, sometimes to an exaggerated extent. Such measures may manifest as self-censorship, displaying unwavering loyalty to their employers, refraining from expressing dissent regarding modifications to their work, and abstaining from asserting their rights. Additionally, journalists may opt to provide content that is devoid of substance in order to avoid potential repercussions. Furthermore, some journalists may choose to publicly align themselves with political or sectarian parties as a means of shielding themselves from threats, risks, and violations perpetrated by certain political factions and security services. These coping mechanisms underscore the pervasive climate of fear and insecurity that pervades the journalistic landscape in Lebanon. According to An-Nahar editor-in-chief Ghassan Hajjar, the Lebanese journalist needs special protection from all parties to be able to carry out his duty, as do Red Cross servicemen, doctors, and other professionals whose work doubles in times of crisis. But Hajjar believes that "journalists in Lebanon are no longer exposed to much danger, these days, because they no longer go down en masse to the field or risk their lives.

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Except for photographers, most Lebanese journalists have turned into telephone journalists and "kiss up" journalists, so we see them managing things with their cleverness and their relations with security personnel, parties, friends from here and affiliations from there. I assure you that media institutions in the regions have become dependent on local reporters and informants (from the people of the region) who have the same political and sectarian affiliations (prevailing in those areas), so that they can deal with the environment in which they are located and provide protection for themselves and their team," concludes Ghassan Hajjar.

It is crucial to recognize that reinforcing the safety of journalists in Lebanon and combating impunity for their attackers cannot be merely reactive to specific events. Instead, it necessitates the development of proactive mechanisms and measures aimed at addressing the underlying causes of violence against journalists and impunity. This requires the establishment of an effective legal framework and enforcement mechanisms to ensure accountability for perpetrators. Many countries around the world have implemented legal measures to protect the rights of journalists, supporting relevant organizations in addressing human rights violations against journalists. However, Lebanon has not demonstrated the same commitment to protecting its journalists. For instance, in 2020, Lebanon notably refused to sign the final communiqué of the Second World Conference on Media Freedom, distinguishing itself as the only state out of 37 member states to do so. This decision was purportedly based on reservations regarding specific phrases in the statement that advocated for the protection of freedom of expression for the LGBTQ community. In light of all that is happening in the field of infringement on public freedoms in Lebanon, this refusal to sign can only be seen as new evidence of the Lebanese state's lack of seriousness in protecting freedom of expression, journalists and media workers. This decision is simply illegal, contrary to Lebanon's international obligations and contradicts Lebanon's official position within the framework of the Universal Periodic Review before the Human Rights Council (dated 3/11/2015), with the trend of modern Lebanese jurisprudence in this regard.

FIFTH: LEGALIZING THE PROTECTION OF JOURNALISTS BETWEEN DISSIPATION AND LEGISLATION

The media operates on the foundation of three essential pillars: professionalism, professional ethics, and legislation. Among these, media legislation holds paramount importance as it constitutes a framework of rules mandated by law to regulate media practices, including its methods and activities. It delineates the rights and responsibilities of media professionals and establishes controls governing media operations, along with the corresponding accountability for violations. Regrettably, the Lebanese media sector suffers from a glaring absence of equitable laws and legislation governing the profession of journalism and media. This deficiency extends to both the written statutes and their enforcement, leaving journalists vulnerable and unprotected. Consequently, there is a critical need for comprehensive and fair laws that not only safeguard journalists but also compel official authorities to provide information transparently and afford journalists the right to request its dissemination without prejudice. Such legislative reforms are imperative for fostering a media environment conducive to professional integrity, ethical conduct, and the pursuit of truth in Lebanon. Even the legislation that makes up the Lebanese legal system has become obsolete (dating back to the forties of the last century) and constitutes the most prominent obstacles and problems of the media reality in Lebanon, as it does not take into account the huge changes in the media and communication system, nor the expectations and aspirations of the Lebanese towards a more modern media, in content, form, and goals.

In practice, the current foundational law governing the media sector in Lebanon, namely the Publications Law of 1962, along with its subsequent amendments, assigns jurisdiction over crimes committed through publications to a specific chamber of one of the provincial courts of appeal, known as the Publications Court. Under this law, the arrest and imprisonment of journalists as penalties for offenses related to opinion or the practice of journalism are suspended, with all cases involving journalists exclusively referred to the Publications Court.

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This legal framework ensures that journalists are brought before a judicial authority rather than security services, and pretrial detention is explicitly prohibited. However, despite being the sole legislation affording immunity to journalists, the Publications Law is not uniformly applied in all cases pertaining to journalists. According to a judge in the Publications Court, the reasons for this inconsistency were not specified. Nonetheless, the judge emphasized that it is the responsibility of prosecution judges to enforce the provisions of the Publications Law to safeguard freedom of expression and press freedom. Moreover, the judge stressed that it is incumbent upon the main judges, including the Publications Court, to uphold international standards of freedom of expression in their rulings, pending the enactment of contemporary legislation that addresses the evolving challenges faced by journalists in Lebanon.

What the researcher notes when reviewing all media laws in Lebanon is that they only talk about "prohibitions" and do not include any clear reference, even a small one, to the necessity of ensuring the safety of journalists during their work and providing adequate guarantees to protect their rights. There exists a series of articles within the legal framework that impose penal sanctions for the exercise of freedom of publication and the press, particularly in cases concerning security, military institutions, and public office. These penalties, which journalists may potentially face, encompass imprisonment terms ranging from one month to three years. Some of these provisions pertain to offenses such as defamation, slander, and insult directed at public officials due to their official capacity. Additionally, the severity of penalties varies, with a potential sentence of up to two years' imprisonment if the official in question holds the position of a judge or the President of the Republic. However, if the journalist is accused of inciting conflict, disturbing public peace, or harming Lebanon's foreign relations, the penalty will reach three years of imprisonment. The charges are based on unclear (legal) texts, broad articles, and elastic language, which grant the authorities a wide margin to interpret and employ "non-demand" to suppress and prosecute journalists in line with their objectives.

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While Lebanon ratified the International Covenant on Civil and Political Rights (ICCPR) in 1972 (which guarantees freedom of expression, publication, press, and dissemination of information), and in 2016 signed the Human Rights Council resolution on the safety of journalists, the Penal Code (specifically Article 408) threatens the freedom and essence of journalistic work, through the possibility of prosecuting any journalist who does not disclose their sources of information when summoned to testify before any court. In addition, some journalists are to be summoned for interrogation before the military court (as if they were criminals or terrorists) even though article 24 of the Code of Military Justice, which stipulates the specific competence of military courts, does not contain any provision justifying the intervention of this judiciary in this regard. While the real perpetrators of the attacks go unpunished, journalists (and activists) are framed with vague criminal charges of a penal nature by the Public Prosecutor or influential political, financial, and religious figures because of slander, libel, and contempt articles (found in the Penal Code). According to one of the single criminal judges in Baabda, there is a described abuse of the penal code, especially regarding the articles on slander and libel. This judge explains that in Lebanon, "There is a circumvention in the use of law, lawsuits, and litigation methods in order to prevent the other from expressing themselves, especially in matters related to public affairs. What is more dangerous than this circumvention is that the pillars of the ruling system, including the judicial system appointed by the political authority, violate international treaties related to corruption, the protection of whistleblowers, etc., and prevent people from even knowing about their existence."

When asked about the impact of subpoenas on journalists' work, Amnesty International's Deputy Director for the Middle East and North Africa, Aya Majzoub, said: "It is true that there are many cases that terminate after investigation and do not reach the courts, but that does not mean that it does not constitute repression of the journalist."

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There are many cases that we have documented that the journalist no longer knows what the fate of the interrogation with them will be, that is, they do not know what happened to their file! And where the course of their case is going. Is the case still there? I assure you that this dissipation puts terrible psychological pressure on the journalist and limits their courage and will to present and process his materials." She adds, "What we have noticed is that the authority in Lebanon has many tools to restrict freedoms and limit their space. In all our meetings with officials, including ministers and deputies, we have heard dangerous words that expose their very wrong concept of freedom of expression, which violates all international laws in force in this field. For example, in some of our interviews, we heard talks that the state should 'educate journalists' so that their discourse becomes polite (with the pillars of power)."

The Amnesty International official gave us a better understanding of the background behind the abuses of journalists in a way that violates their personal freedom guaranteed in the constitution. According to lawyer Tony Mikhael, director of the monitoring unit at Maharat Foundation, journalists "are summoned in a biased manner, and the investigation procedures violate the law, which limits them only to the investigative judge. In order to silence the dissenting opinion of influential politicians, judges and others, a cybercrime security office (an arm of the Public Prosecution) was also illegally established to prosecute opinion holders." Sherif Mansour, coordinator of the Middle East and North Africa program at the Committee to Protect Journalists (CPJ), stresses the partiality of the arbitrary laws in force in Lebanon, and considers that many of the articles of these laws contradict international conventions and standards, suggesting that the Lebanese authorities "either repeal and update all current media legislation, defamation laws, and laws regulating journalistic work, or update them, or develop a new law that promotes freedom of expression and the press in Lebanon."

FIFTH: LEGALIZING THE PROTECTION OF JOURNALISTS BETWEEN DISSIPATION AND LEGISLATION

This research paper constitutes part of a collaborative research endeavor aimed at providing recommendations to elucidate the new draft media law, which has been undergoing discussions in the Lebanese parliament since November 2010. Notably, this draft law stands out as one of the most contentious among the few bills being deliberated by Lebanese parliamentarians to regulate the media sector. The ongoing project, transitioning between committees and currently residing within the Administration and Justice Committee, has involved extensive dialogues regarding the revision and enhancement of both the Publications Act and the Radio and Television Broadcasting Law. However, the persistent inability to secure its approval hints at an underlying decision to refrain from enacting a new media law in Lebanon. Arz Labaki, a law professor at the Faculty of Information at the Lebanese University, believes that "the media law is not like the traffic law, it deals with a vital and influential sector of people, so politicians and the people of government are interested in molding it as they wish. I have not read the law or attended the discussions on it, but I simply believe that there are politicians affected by it. In other words, it seems that the proposed bill does not consider the clientelism and quotas that have been in place since the passage of the audiovisual law in 1994. It became in the interest of the authorities to postpone and put it to sleep, and if they had an interest in it, it would have been approved as early as possible." What about the protection of journalists in the new media draft law?

To date, the Lebanese parliament has refused to allow stakeholders, media institutions, and NGOs to share the latest version of the draft law (July 2021), despite repeated promises by MPs to involve civil society in the drafting process. Nevertheless, the 14 members comprising the Coalition to Protect Journalists managed to acquire an unofficial version of the draft law, revealing that the current iteration under consideration within the parliamentary committees falls short of upholding media freedoms and lacks provisions for the protection of journalists. Instead, the draft law includes an extensive list of penalties for journalists, imposes doubled fines, and in certain instances, augments prison sentences. Furthermore, it fails to abolish purported prison terms for offenses such as slander, libel, and insult; instead, these are positioned within the penal code. The coalition members advocate for these offenses to be addressed within the civil code, thus affording broader protections for freedoms.

FIFTH: LEGALIZING THE PROTECTION OF JOURNALISTS BETWEEN DISSIPATION AND LEGISLATION

In the current Lebanese landscape, there is a palpable escalation of apprehensions regarding the further constriction of public freedoms, particularly freedom of expression and media. This unease stems from the entrenched sectarian-political quota system in the country, which has demonstrated its capacity to navigate through any scandal, regardless of its severity. Consequently, this impedes the role of the press and journalists in holding accountable those in positions of power. What compounds this sense of pessimism is not only the failure to enact an impartial media law that safeguards media freedom, journalists, and their sources of information, but also the evident reluctance of politicians to advance such legislation. Moreover, political parties, represented in parliament, have become increasingly embroiled in legal disputes against journalists, further stifling press freedoms. Additionally, there appears to be a hesitance among media professionals to collectively advocate for a new media law that they are ostensibly advocating for its adoption. Lebanon's journalists are divided and do not have a clear unified vision on any issue, as each association, group, or institution makes its own proposals, different from others. Since the law was discussed 13 years ago, journalists have not held any real gatherings to lay out the basic ideas they want, as stakeholders, from the law. Of course, the forces of power take advantage of the existing division in the media body and see it as an opportunity which they exploit to pass or block the laws they want. Finally, it is clear that officials in the Lebanese authority have not yet been convinced that restricting freedoms was never acceptable in Lebanon, so how if what is required today is nothing more than the regulation of a media sector, that is characterized by the chronic absence of an actual application of the media codes of honor agreed upon since the fifties of the last century, and a gross violation of all international conventions and treaties that Lebanon signed and pledged to abide by? ¹⁴

14- There are eight local codes of honor: the 1958 Charter, the 1965 Charter, the 1973 Charter, the 1974 Code, the 1992 Charter, the 2005 Charter, the 2013 Charter, and the 2016 Charter (called the "electronic media charter of honor").

CONCLUSIONS

- The Lebanese media environment lacks many requirements to become suitable for professional and free journalistic work, because, currently, it is subject to the influence of many political, economic, and security problems, obstacles, and fluctuations. In addition to the many pressures and constraints that Lebanese journalists are subjected to in normal times, there have been other challenges imposed by the unstable situation at all levels, sectarian and partisan divisions at all levels, and the exacerbation of economic, financial, and social crises and collapses that Lebanon has been witnessing since 2019.
- There are five threats faced by the Lebanese journalist: first, the feeling that they may lose their job at any moment; second, the constant threat of prosecution and lawsuits by the security and judicial agencies; third, the alarming rise in the rate of impunity of the aggressors against journalists and their permanent enjoyment of political, partisan, and sectarian cover; fourth, the constant apprehension of the campaigns of bullying, treason, and personal targeting launched against them on social media; fifth, the obsession with killing, at any moment, like the many journalists assassinated in Lebanon whose killers are still unknown, free, and with impunity.
- The ruling Lebanese political class does not allow journalists to have their work completed, whether by law, the judiciary, or the unions themselves, and there is a mentality in the core of the deep state in Lebanon that tends to think about how to protect the pillars of the political and religious class instead of protecting journalists and freedom of expression, belief, and opinion.
- Physical violations are not the most serious problem that Lebanese journalists suffer from, but rather stripping them of all kinds of guarantees required for their free exercise of the profession, foremost of which are job security and health, social and economic insurance.

CONCLUSIONS

- The Lebanese journalist is not protected by any kind of protection, which makes them fully exposed and vulnerable to various pressures and blackmail. They require protection by law that exempts them from self-censorship, prevents prosecutions, gives them free access to information and the right to maintain the confidentiality of their sources; protection in the institution in which they work by providing them with all necessary insurance at all levels; protection in a union to which they can belong, and which can represent them and defend their rights and gains.
- Lebanese media legislation is considered to have laws that deprive freedom in matters of opinion, publication, and expression, and give a clear reflection of the undemocratic structure of the Lebanese State. These legislations require radical amendments to some of their texts, the removal of all broad and elastic language that is open to discretionary interpretation, the prosecution and criminalization of the journalist on this basis, and thus, preventing them from exercising their censorship role over the authorities in Lebanon.
- It is not possible to legislate any media law in Lebanon that protects journalists and all their rights, without the initiative of these journalists to agree on one project, one vision, and form a pressure bloc to market it towards its approval.

RECOMMENDATIONS

- Enshrine the right of journalists to legal protection through clear and explicit terms that are not subject to interpretation, prevent any kind of attack on them for their journalistic work, prohibit all forms of prior censorship of their materials, and preserve their right to access information and anonymity of their sources.
- Abolish prison sentences for journalists completely and stick to financial fines to prosecute them for so-called "media crimes" if it is proven that the journalist committed "something wrong" while practicing their profession (defamation, insult, false news), and the inadmissibility of confiscating the publication as part of the penalties for committing a "crime" by the journalist.
- Decriminalize journalists in slander, libel, and insult lawsuits against public institutions and sticking to the civil responsibility of the journalist, preventing these institutions, including the army and security services, from filing slander and libel lawsuits, and protecting the right to criticize all state institutions, without exception, and all that is described as "status" (religious, political, partisan, social, etc.).
- Repeal the legislative provisions that grant the military judiciary the power to prosecute crimes that fall within the framework of expressing opinion, expression, and dissemination of information, and abolishing the functions of the judicial police in investigating such crimes and limiting their direct consideration to the Publications Court.
- Redefine the concept of the Publications Court as a special civil court (not criminal court as it currently is) to protect freedom and not restrict it, and the need for the law to specify the characteristics of the judge who must preside over this court, as he must not be an ordinary judge, but a qualified judge who can understand issues related to freedom of the press and the work of journalists, and that his jurisprudence and rulings are based on the fact that "the basis is freedom, not censorship and restrictions."

RECOMMENDATIONS

- Liberalize press institutions from the system of prior licenses because this is one of the most prominent starting points to the exercise of mechanisms of control and exposure to journalists, their rights, and freedoms. The issuance or establishment of any media platform is currently subject to a system of privileges that forms part of the system of "monopolies and exclusive agencies" that established the system of corruption, quotas, and clientelism in Lebanon.
- Belonging to a syndicate must be considered an absolute right of the journalist, and the current mechanism that gives employers the right to determine the syndicate schedule (i.e. a journalist needs the consent of the employer to join the Editors' Syndicate). The concept of the "Editors' Syndicate" as the sole monopoly framework for syndicate representation of journalists must be dismantled, and the way must be paved for the establishment of more than one syndicate for media professionals that grant them the freedom of voluntary affiliation to any of them.

A law establishing a "pension fund" and an "unemployment fund" must be promulgated for journalists and anyone who carries out media work and works in a media institution, with the aim of securing social protection (livelihood, salary, health insurance, old-age insurance), and the establishment of work mechanisms of the two funds and the organization of their financing. The financing of these two funds is not limited to its affiliates (through contributions paid from their salaries), but through the contribution of employers to the capital, in addition to the assistance of the Lebanese state through a set of organized tax measures.



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